

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

SHANE L. PITMAN,	)	No. CV 08-06161-DSF (VBK)
	)	
Petitioner,	)	ORDER (1) ACCEPTING AND ADOPTING
	)	THE REPORT AND RECOMMENDATION OF
v.	)	THE UNITED STATES MAGISTRATE
	)	JUDGE, AND (2) DISMISSING THE
T. FELKER,	)	PETITION FOR WRIT OF HABEAS
	)	CORPUS
Respondent.	)	
_____	)	

Pursuant to 28 U.S.C. §636, the Court has made a de novo review of the Petition for Writ of Habeas Corpus ("Petition"), Respondent's Motion to Dismiss, Petitioner's Opposition to the Motion to Dismiss, all of the records herein and the Report and Recommendation of the United States Magistrate Judge ("Report").

**IT IS ORDERED** that: (1) the Court accepts and adopts the Report and Recommendation, except as follows:

p. 3, ln. 20: "(1)" should read "(2)";

p. 11, ln. 17: the citation should read "Baker v. State of California, 2000 WL 74071 at \*1 n.1 (N.D. Cal. 2000)";

p. 12, ln. 15: the citation should read "Duncan v. Walker, 533 U.S. 167, 168 (2001)";

1 p.12, ln. 18: "habeas was filed" should read "habeas petition is  
2 filed";

3 p. 12, ln. 20: "(9th Cir. )" should read "(9th Cir. 1999)";

4 p. 14, ln. 2: The case name is Pace v. DiGuglielmo;

5 (2) Respondent's Motion to Dismiss is **GRANTED**, and (3) Judgment be  
6 entered dismissing the Petition with prejudice.

7 8/10/09

8 DATED: \_\_\_\_\_



9 DALE S. FISCHER  
10 UNITED STATES DISTRICT JUDGE  
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